

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DANNY JAMES,

Plaintiff,

v.

NICHOLS PAPER,

Defendant.

Case No. 2:17-cv-12588

HON. STEPHEN J. MURPHY, III

_____/

**OPINION AND ORDER
GRANTING DEFENDANT'S MOTION FOR SUMMARY JUDGMENT [11]**

In August 2017, Plaintiff filed a two-count complaint alleging violations of the Family and Medical Leave Act and Michigan's Persons with Disabilities Civil Rights Act. Then in February 2018, Defendant moved for summary judgment on the FMLA claim and argued that Plaintiff was not eligible for FMLA protection because his worksite employed too few people.

Contemporaneous with Defendant's motion, Plaintiff raised several discovery issues. Because those discovery issues affected the summary judgment motion, the Court stayed briefing on summary judgment until the discovery issues were resolved. Several months later, the Court resolved the discovery disputes and ordered Plaintiff to respond to the summary judgment motion no later than July 6, 2018.

That deadline has long passed, and Plaintiff did not file a response. The Court interprets Plaintiff's silence as a concession that the resolution of the discovery disputes suggested that Defendant's argument was correct. And the Court will grant summary judgment for Defendant on the FMLA claim. With no federal claims remaining, the Court

may decline to exercise supplemental jurisdiction over Plaintiff's remaining state claims. 28 U.S.C. § 1367(c)(3). In the interest of justice, judicial economy, and comity to state courts, the Court declines to exercise its jurisdiction. See *United Mine Workers of America v. Gibbs*, 383 U.S. 715, 726–27 (1966).

ORDER

WHEREFORE, it is hereby **ORDERED** that Defendant's Motion for Summary Judgment [11] is **GRANTED**. The Court will issue a judgment in favor of Defendant on Plaintiff's Family and Medical Leave Act claims.

IT IS FURTHER ORDERED that Plaintiff's claims under Michigan's Persons with Disabilities Civil Rights Act are **DISMISSED WITHOUT PREJUDICE**.

This is a final order that closes the case.

SO ORDERED.

s/ Stephen J. Murphy, III
STEPHEN J. MURPHY, III
United States District Judge

Dated: July 19, 2018

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on July 19, 2018, by electronic and/or ordinary mail.

s/ David Parker
Case Manager